IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4471 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT LAND DEVELOPMENT CORPORATIN LTD.

Versus

JANARDAN BALKRISHNA SHUKLA

Appearance:

MR BA VAISHNAV for Petitioner

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/04/2000

ORAL JUDGEMENT

Learned advocate Mr. Vaishnav is appearing for the petitioner. The respondent has been served with service of rule. Nobody has appeared on his behalf.

In this petition, the petitioner has challenged the impugned award dated /2/1999 passed by thelabour court,Rajkot inReference No. 337 of 1987.Under the said award, the petitioner has been directed to reinstate the respondent workman in service with continuity of service without any back wages.

Today, when the matter was taken up for final hearing, learned advocate Mr. Vaishnav has submitted additional affidavit filed by one Natubhai A. Parmar, Sr.Clerk on behalf of the petitioner in whichit has been stated by the deponent on oath that the deponent is knowing the respondent Mr.Shukla. According to the deponent, he was orally told by the respondent that he was not interested in pressing his claim for reinstatement as per the impugned award. It is also averredin the said affidavit that the Surendranagar Panchayat's Chief District Health Officer has also given a writing to the effect that the respondent was working as a peon initially at PrimaryHealth Centre, Khankrechi since 18.6.1990 from where , by way of inter district transfer, hehas come to Surendranagar w.e.f.16.5.1995. Alongwith the said affidavit filed on behalf of the petitioner, the deponent has produced xerox copy of the writing dated 13.4.2000 given by the Chief District Health Officer, District Panchayat, Surendranagar. By issuing the said writing, the Chief District Health Officer, SUrendranagar District Panchayat has certified that Shri Janardan Balkrishnabhai Shukla has resumed duty as peon initially on 18.6.1990 at Khakharechi PHC and that that he has resumed inthis district by wayofinter district transfer on 16.5.1995 as a peon and presently, he is performing duties as peon in the Health Branch. Alongwith the said writing, the deponent has also produced the xerox copy of the writing dated 13.4.2000 said to have been given by the respondent herein i.e. JanardanbhaiB.Shukla. From the said writing, it appears that the respondent has been served with the notice issued by this court but since he has been serving in the Government, he has nothing to submit in this caseand that as regards case of the labour court also, he has nothing to submit before this court and has requested to file the case.

I have considered the averments made in this petition. I have alsoconsidered the impugned award and the additional affidavit filed by the deponent Natubhai A.Parmar on behalf of the petitioner. I have also perused the papers produced alongwith the said additional affidavit filed on behalfof the petitioner.

In view of the fact that the respondent has not chosen to appear inspite of service of process issued by this court and also in view of the documents produced alongwith the affidavit on behalf of the petitioner, I am satisfied that the impugned award passed by the labour court is now not required to be implemented since the respondent is not interested in the matter.

With such observations, this petition is disposed of. Rule is discharged. There shall be no order as to costs.

20.4.2000. (HK Rathod,J.)

Vyas